

IN RE: PETITION FOR ZONING VARIANCE *
NE/S Goose Neck Road, 800' *
NW of Goose Harbor Road *
(1322 Goose Harbor Road) *
15th Election District *
5th Councilmanic District *
Christopher G. Oktavec, et ux *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-383-A

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit an accessory structure (garage) height of 25 feet in lieu of the permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Christopher Oktavec, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of April, 1988 that an accessory structure (garage) height of 25 feet in lieu of the permitted 15 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be responsible to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen facilities.
- 3) The existing 21' x 22' garage, located on the southern property line, shall be razed and removed within five (5) years of the date of this Order and/or prior to any sale or transfer of the subject property.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bjs

CHRISTOPHER G. OKTAVEC
1322 GOOSE NECK ROAD
15TH E.D. - 5TH C.D.
15th E.D. - 5th C.D.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 17, 1988.

THE JEFFERSONIAN,

Sharon Sanders Abbott
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, at 9:00 a.m., on Monday, April 4, 1988 at 9:00 a.m. The purpose of the hearing is to hear the testimony of the Petitioner and any Protestants. The Petitioner is Christopher G. Oktavec, et ux. The property is located at 1322 Goose Neck Road, 800' NW of Goose Harbor Road, 15th Election District, 5th Councilmanic District. The Petitioner is requesting a variance to permit an accessory structure (garage) height of 25 feet in lieu of the permitted 15 feet. If the variance is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
3199 Mar. 17.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 3/24/88
Posted for: Variations
Petitioner: Christopher G. Oktavec, et ux
Location of property: 1322 Goose Neck Rd., 800' NW of Goose Harbor Rd., 15th Election District, 5th Councilmanic District
Location of Signs: Along Goose Neck Rd., across E. & W. 1st Sts., on property of Baltimore County
Remarks: None
Posted by: Matthews Date of return: 3/25/88
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3363

J. Robert Haines
Zoning Commissioner

Date: _____

Mr. & Mrs. Christopher G. Oktavec
1322 Goose Harbor Road
Baltimore, Maryland 21220

Re: Petition for Zoning Variance
Case numbers 88-383-A
NE/S Goose Neck Road, 800' NW of Goose Harbor Road
(1322 Goose Harbor Road)
Petitioner(s): Christopher G. Oktavec, et ux
HEARING SCHEDULED: MONDAY, APRIL 4, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Oktavec:

Please be advised that 1A77 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: File

April 11, 1988

Mr. & Mrs. Christopher G. Oktavec
1322 Goose Neck Road
Baltimore, Maryland 21220

Re: Petition for Zoning Variance
NE/S Goose Neck Road, 800' NW of Goose Harbor Road
15th Election District; 5th Councilmanic District
Case No. 88-383-A

Dear Mr. & Mrs. Oktavec:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bjs
Enclosures

cc: People's Counsel

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3363

J. Robert Haines
Zoning Commissioner

JAN 27 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case numbers 88-383-A
NE/S Goose Neck Road, 800' NW of Goose Harbor Road
(1322 Goose Harbor Road)
Petitioner(s): Christopher G. Oktavec, et ux
HEARING SCHEDULED: MONDAY, APRIL 4, 1988 at 9:00 a.m.

Variance to permit an accessory structure (garage) height 25 feet in lieu of the permitted 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Christopher G. Oktavec

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to permit an accessory structure (garage) height of 25 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. WE MUST HAVE STORAGE FOR CAR AND TWO TRAILERS WITH BOATS, ALSO FOR OUR FROZEN FOODS. WE HAVE NO CELLAR OR ATTIC.
2. WE HAVE NO CLOSET SPACE IF ANY SIZE IN OUR HOME FOR STORAGE OF WINTER CLOTHES. THE 2ND FLOOR OF GARAGE TO BE CEDAR LINED FOR CLOTHES, ETC.
3. OLD EXISTING GARAGE IS ONLY GOOD FOR TRUNK & RUGGED STORAGE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45791

DATE: 4/11/88 ACCOUNT: 1322 GOOSE NECK RD.

AMOUNT: \$ 100.00

RECEIVED FROM: Christopher G. Oktavec

FOR: Balance Forward

VALIDATION OR SIGNATURE OF CASHIER

AMOUNT: \$ 100.00

RECEIVED FROM: Christopher G. Oktavec

FOR: Balance Forward

VALIDATION OR SIGNATURE OF CASHIER

DESCRIPTION FOR VARIANCE
1322 GOOSE NECK ROAD
15TH ELECTION DISTRICT

Beginning at a point on the northeast side of Goose Neck Road at a distance of 800 feet northwest of Goose Harbor Road and being known as Lot No. 245 as shown on the plat of "First Addition to Plat No. 2, Rowleys Quarters", which is recorded in the Land Records of Baltimore County in Plat Book 9, Folio 12.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE March 23, 1988

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Christopher G. Oktavec
1322 Goose Neck Road
Baltimore, Maryland 21220

Item No. 230 - Case No. 88-383-A
Petitioner: Christopher G. Oktavec
Petition for Zoning Variance

MEMBERS
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Dear Mr. & Mrs. Oktavec:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman

Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: Templar Engineering, Inc.
8235 Ruxton Crossing Court
Ruxton, Maryland 21204

Baltimore County
Fire Department
Towson, Maryland 21204-2586
454-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Christopher G. Oktavec, et ux Critical Area
Location: NE/S Goose Neck Road, 800; NW Goose Harbor Road

Item No.: 230 Zoning Agenda: Meeting of 1/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Special Inspection Division Fire Prevention Bureau

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

February 18, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 224, 225, 227, 228, 229, 230 and 231.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/pml-b

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: February 22, 1988

FROM: P. David Fields
Director of Planning and Zoning

SUBJECT: Zoning Petition Nos. 88-389-A,
88-392-A, 88-393-A

There are no comprehensive planning factors requiring comment on this petition.

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

cc: Mr. & Mrs. Oktavec

CP-3-00A

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

1/19/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 230, Zoning Advisory Committee Meeting of January 5, 1988
Property Owner: Christopher G. Oktavec, et ux

Location: NE/S Goose Neck Rd. 800 NW Goose Harbor District 15
Water Supply: public Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (15,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests have been _____ must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Other: See attached inter-office correspondence dated January 14, 1988

Karen M. Murray
KAREN M. MURRAY
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

88-383-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of January, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Christopher G. Oktavec Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines
TO: Zoning Commissioner

Date: January 14, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Chesapeake Bay Critical Area Findings -
Christopher G. Oktavec

In accordance with Section 8-1813 Prior Project approval of the Chesapeake Bay Critical Area Law the proposed development will comply with the terms of Section 8-1813 for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

- 1) One major deciduous tree or two conifers or two minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 1,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet.
- 2) Storm water run-off from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:ljg

CPS-008

